IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Special Appeal No. 93 of 2004

State of Uttar Pradesh through
Executive In Chief
Public Works Department,
Lucknow & another ... Appellants

Versus

Anand Singh S/o Late Sri Nain Singh
R/o Gram Sanker Post Sanker Sain
District Pauri Garhwal ..... Respondent

Sri K.P. Upadhyay, learned counsel for the State/appellant
Sri Nandan Arya, learned counsel for the respondents.

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal,J.

By means of this special appeal the State of Uttaranchal has challenged the judgment and order dated 20.04.2004 passed by the learned Single Judge of this Court in Writ Petition NO. 393 (S/S) of 2004. The learned Single Judge vide judgment and order dated 20.04.2004 directed the appellants/respondents to release pensionary benefits to the petitioner within a period jof two months after the receipt of the certified copy of this judgment.

2. Brief facts of the case giving rise to this appeal are that the respondent/ petitioner Anand Singh filed a writ petition before this Court praying for issue of a writ commanding the respondents to pay pension in his favour.

31. The Petitioner was initially engaged as a mate on a Class-IV post w.e.f. 27.12.1974 in P.W.D. According to t he petition he retired from service on 31st October, 200. He was serving in a group 'D' post and the age of retirement for such post is 60 years. The petitioner has also stated that he was

appointed as work charge employee on 26.01.1985 and thereafter on 10.06.1995 his services were regularized.

4. The petitioner made several representations regarding pensionary benefits but till today no action was taken in that regard, hence the petition has field the writ petition before this court. The learned Single Judge vide his impugned judgment and order directed the respondents to release pensionary benefits to the petitioner within a period of two months after the receipt of the certified copy of the order. Feeling aggrieved by the aforesaid impugned judgment, this special appeal has been filed by the State.

5. Heard learned counsel for the appellant, learned standing counsel for the State and perused the record.

6. A perusal of the record reveals that the petitioner has served in the P.W.D. for more than 26 years. Even a work charge employee, who has worked in the department for a considerable period and has not been regularized, is entitled to the pensionary benefits. Hence the learned Single Judge has rightly held that the petitioner is entitled to get the pensionary benefits.

7. In view of above, we do not find any illegality or manifest error in the judgment passed by learned Single Judge.

8- The appeal is devoid of merit, is accordingly dismissed and the judgment and order passed by the learned Single Judge is upheld.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

03.03.2006
R. Dang